

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AFFYMETRIX, INC., a Delaware corporation,

Plaintiff/Counter-Defendant,

v.

ILLUMINA, INC., a Delaware corporation,

Defendant/Counter-Plaintiff.

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Civil Action No.: 04-901 JJF

**STATEMENT RELATED TO ILLUMINA'S MOTION FOR SUMMARY JUDGMENT
OF INVALIDITY OF THE ASSERTED CLAIMS OF THE '432 PATENT**

Pursuant to the Court's Memorandum Order on Summary Judgment, counsel for defendant Illumina, Inc. hereby certifies that no genuine issues of material fact exist with regard to the facts argued in support of Illumina's Motion for Summary Judgment of Invalidity of the Asserted Claims of the '432 Patent.

Dated: July 17, 2006

/s/ Richard K. Herrmann

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of July, 2006, I caused to be electronically filed the foregoing document, **STATEMENT RELATED TO ILLUMINA'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF THE ASSERTED CLAIMS OF THE '432 PATENT**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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Additionally, I hereby certify that on the 17th day of July, 2006, the foregoing document was served via email and hand delivery on the above and via email and Federal Express on the following non-registered participant:

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